

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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KITRICH A. POWELL,

Petitioner,

V.

WILLIAM GITTERE, *et al.*,

## Respondents.

Case No. 2:06-cv-01264-KJD-DJA

## ORDER

In this capital habeas corpus action, the respondents filed a motion to dismiss (ECF No. 235) on September 14, 2022. After a 60-day initial period, and then two 91-day extensions of time, Petitioner Kitrich A. Powell, who appointed counsel represents, was due to respond to the motion to dismiss by May 15, 2023. *See* Order entered August 24, 2020 (ECF No. 100) (60 days for response to motion to dismiss); Order entered November 15, 2023 (ECF No. 238) (91-day extension); Order entered February 14, 2023 (ECF No. 240) (91-day extension).

On May 15, 2023, Powell filed a motion for extension of time (ECF No. 242), requesting a further 45-day extension, to June 29, 2023, to file his response to the motion to dismiss. Powell’s counsel states that the extension of time is necessary because of the complexity of this case, and because of his obligations in other cases and his administrative obligations at the office of the Federal Public Defender. Powell’s counsel states that he is confident he will be able to file the opposition to the motion to dismiss and related motions by June 29, 2023. *See* Scheduling Order entered August 24, 2020 (ECF No. 100). Powell’s counsel represents that Respondents do not oppose the motion for extension of time. The Court finds that Powell’s motion for extension of time is made in good faith and not solely for the purpose of delay, and that there is good cause for the

1 extension of time requested. The Court will grant this extension of time. The Court will  
2 not look favorably upon any further motion to extend this deadline.

3 **IT IS THEREFORE ORDERED** that Petitioner's Motion for Extension of Time  
4 (ECF No. 242) is **GRANTED**. Petitioner will have until and including **June 29, 2023**, to  
5 respond to Respondents' motion to dismiss.

6 **IT IS FURTHER ORDERED** that, in all other respects, the schedule for further  
7 proceedings set forth in the order entered August 24, 2020 (ECF No. 100) will remain in  
8 effect.

9 Dated this 16th day of May 2023.  
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11 KENT J. DAWSON  
12 UNITED STATES DISTRICT JUDGE  
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